

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

## MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs Monsanto Company and Monsanto Technology LLC’s (collectively, “Plaintiffs”) Eighth Motion to Compel (Third Motion to Compel Production of Recalled Documents) [doc. #733]. In this Motion, Monsanto seeks an order compelling Defendants E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively, “Defendants”) to produce unredacted versions of three categories of documents that Defendants produced to Monsanto, recalled on grounds of attorney-client privilege, and then produced in redacted form.

As the Court stated with respect to Monsanto's Second Motion to Compel Production of Recalled Documents [doc. #699], it is impossible for the Court to determine whether the redacted portions of the documents at issue in this Motion are protected by attorney-client privilege or the work product doctrine without examining the substance of the redacted text. As such, Defendants will be ordered either to produce these documents to Monsanto in unredacted form or submit them for in camera review.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants shall, no later than **June 20, 2011**, produce the disputed documents in unredacted form to Monsanto or submit them to the Court for in camera review.

Dated this 13th Day of June, 2011.

  
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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE